

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	Bruce L. Petersen)	Examiner:	Timothy D. Collins
Pat. App. Serial No.:	10/672,003)	Group Art Unit:	3643
Filing Date:	September 25, 2003)	Docket No.:	PET-101
Title:	Hover Craft Having Co-axial Counter-Rotating Rotors)		

DECLARATION OF BRUCE L. PETERSEN
IN SUPPORT OF PETITION TO REVIVE

Commissioner for Trademarks
P. O. Box 1451
Alexandria, VA 22313-1451

1. I, Bruce L. Petersen, hereby declare as follows:
2. All statements made herein of my knowledge are true and all statement made on information and beliefs are believed to be true.
3. I was employed by U S Gypsum Co. until January of 2009, in the capacity of Engineer, and have worked in that capacity for 38 years.
4. I have a degree(s) from Iowa State University in Geology.
5. In 2003, I first became acquainted with a Patent Attorney by the name of Brian R. Rayve (Reg. No. 39,810). He drafted and prosecuted the above referenced US Patent Application Ser. No. 10/672,003 ("the '003 application") on my behalf from its filing on September 25, 2003 until I was informed in March of 2009 that he had been suspended from practice before the United States Patent & Trademark Office.
6. During the process of preparing the '003 application in 2003, Mr. Rayve was in regular communication with me concerning the technical details of my invention. However, after filing that application in the fall, Mr. Rayve became uncommunicative to the point that my relatively frequent phone calls to him often went unreturned.
7. Beginning in the fall of 2004, it became my practice to attempt to contact Mr. Rayve every several months to inquire about the current status of the '003 application. In most cases, Mr. Rayve did not respond to my inquiries despite my repeated attempts to reach him. On the few occasions where I was able to reach

him or where he did call me, Mr. Rayve told me that the '003 application was still pending and that an unusually long patent office delay was the reason that my application was still pending throughout 2005 and 2006.

8. Mr. Rayve failed to informed me that the '003 application had gone abandoned on November 23, 2005 and that he had filed a petition to revive the application on December 21, 2006. That petition was granted on January 22, 2007. However, even news of that occurrence was withheld from me.
9. In the spring of 2007, Mr. Rayve did contact me to inform me that a notice of allowance had been received from the USPTO in the '003 patent application. He further asserted that a substantial USPTO issue and publication fee was required to be paid by June 19, 2007 in order for the patent to issue.
10. For this reason on May 27, 2007, I forwarded Mr. Rayve a check for \$2625.00 to cover the issue and publication fee and his time in preparing a response to the notice of allowance. Mr. Rayve informed me that the issue and publication fee due to the USPTO totalled \$1000.
11. According to the USPTO files that I first obtained in March of 2009, Mr. Rayve mailed a check to the US PTO on June 13, 2007 for \$1000 to cover the issue and publication fee. That check was returned for insufficient funds on July 3, 2007. None of this was reported to me by Mr. Rayve.
12. Mr. Rayve also failed to inform me that the USPTO sent him a Notice of Abandonment concerning the '003 patent. The notice informed him that his failure to timely pay the \$1000 issue and publication fee had resulted in a second abandonment of the '003 patent application (which had been provisionally awarded US Patent No. 7,249,731, subsequently withdrawn).
13. Every several months throughout the remainder of 2007 and 2008, I attempted to contact Mr. Rayve by leaving him repeated voice mail message asking that he forward the issued version of the '003 patent application (the now withdrawn '731 patent). Mr. Rayve did not return any of my calls concerning the issued patent.
14. Since Mr. Rayve had been uncommunicative in the past, but had ultimately succeeded in procuring allowance of the '003 patent application, I assumed that he was, as I thought he had been in the past, overwhelmed by the crush of his workload. For this reason, I believed he had merely overlooked my request to send a copy of the issued patent to me. In addition, I had been told early in the application process that the U S Military sometimes detains patents which could have military application. I thought possibly that the patent had been sidelined for military review.

15. In March 2009, I called Ms. Theresa Johnson, a local attorney, who had worked with Mr. Rayve on occasion, to find out if he had called her. She informed me that Mr. Rayve had been suspended from practice before the USPTO. This is the first time that I had any indication of any problem with the Patent Office.
16. Through Ms. Johnson and through additional phone calls, I requested that Mr. Rayve send me a copy of my patent application file. He indicated to Ms. Johnson on several occasions that he would send copies of my file to me. To date, Mr. Rayve has yet to do so.
17. In March of 2009, I retained a new patent attorney to assist me with my '003 application. It was only at that time that I obtained a complete copy of the USPTO file and became aware that Mr. Rayve had allowed the '003 patent application to twice become abandoned and that my expected patent (US Patent No. 7,249, 731) had been withdrawn from issuance for failure to timely pay the issue and publication fee.
18. Since I sent Mr. Rayve funds with express instructions to pay the issue and publication fee, I was not informed that Mr. Rayve failed to pay the issue and publication fee, and I had made repeated efforts to contact him to seek a copy of my issued patent, the entire delay for filing the required reply to the official action from the due date for the reply until the filing of this grantable petition to revive pursuant to 37 CFR 1.137 (b) was unintentional.
19. I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that wilful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such wilful false statements may jeopardize the validity of the subject patent application or any resulting United States Patent.

EXECUTED THIS 24th DAY OF MARCH 2009



Bruce L. Petersen
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